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June 13, 2021

VIA ECF

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

USDC SDNY
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Re: *Buari v. City of New York, et al.*, 18-CV-12299 (MKV)(BCM)

Your Honor:

I am the Senior Counsel in the office of Georgia M. Pestana, Acting Corporation Counsel of the City (the “City”) of New York, assigned to the defense of the above-captioned matter. Defendants respectfully request a one-week extension of its time to answer or otherwise respond to the Second Amended Complaint, from June 15, 2021, to June 22, 2021; an extension of time for the parties to submit their Proposed Case Management Plan and Scheduling Order and joint-letter, from June 14, 2021, to the same date June 22, 2021; and an adjournment of the initial conference scheduled for June 21, 2021 to a date thereafter that is agreeable to the Court. Plaintiff consents to this request. This is the second request for adjournment of the time to respond to the Second Amended Complaint, and the first request to extend the time of the other dates.

This request is necessary due to significant disruptions of the Law Department’s computer network throughout last week. As the Court may be aware, the New York City Law Department identified unauthorized access within the NYC Law Department’s IT environment beginning last weekend. *See Benjamin Weiser and Ashley Southall, New York City’s Law Dept. Is Struck by Cyberattack; Extent of Breach Is Unclear*, N.Y. Times, June 8, 2021, at A19. As a result, since Sunday June 5, 2021, the Law Department’s computer systems were taken off-line and staff was unable to access systems, including not only email, but also electronic files and address books. This has necessarily impacted and delayed the Law Department’s normal communications and work-flow in every respect. In this case, it has necessarily hampered defendants’ ability to review their files as needed to prepare their response to the Second Amended Complaint and productively confer with plaintiff’s counsel regarding the matter.

It has been unclear when network services would resume. That process has begun but has not yet been completed; full on-site functionality is expected to be restored early this week. It is not clear when full remote functionality will be restored.

Defendants regret the inconvenience and delay engendered by this assault on the Law Department's computer systems. It is unfortunately unavoidable. Defendants are cognizant of the Court's Individual Practices requiring 72 hour notice of adjournments but interpret that rule to apply to dates for "appearances," rather than submission deadlines. If that is incorrect, defendants apologize for their misunderstanding of the rule, and respectfully request that the Court nevertheless grant the adjournment in this instance.

Accordingly, defendants respectfully request an extension of its time to answer or otherwise respond to the complaint from June 15, 2021, to June 22, 2021; extension of the date for the parties to submit their Proposed Case Management Plan and Scheduling Order and joint-letter from June 14, 2021, to June 21, 2021; and adjournment of the conference set for June 21, 2021 to the soonest date thereafter that is convenient for the Court.

We thank the Court for its consideration of this matter.

Respectfully submitted,

Alan H. Scheiner/s/
Alan H. Scheiner
Senior Counsel

cc (via ECF): All Counsel

GRANTED. The deadline for Defendants to answer or otherwise respond to the Complaint is extended from June 15, 2021, to June 22, 2021. The deadline for the parties to submit their joint letter and proposed Case Management Plan and Scheduling Order is extended from June 14, 2021, to June 21, 2021. The Initial Pretrial Conference scheduled for June 21, 2021, at 11:00 AM is adjourned to July 6, 2021, at 10:00 AM. The conference will be held telephonically. To join the conference, dial 888-278-0296 and enter access code 5195844.

SO ORDERED.

Date: 6/14/2021
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge